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4 Attorney for Defendant BOB MONSEN dba CONSTRUCTION SERVICES
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 Case No. C 07 03915 HRL

11 AURELIO MACIEL MATA

12 Plaintiff,

ANSWER TO COMPLAINT FOR
DAMAGES

13 vs

14 EDWARD J. ULRICK dba ULRICO

15 SERVICES, BOB MONSEN dba

16 CONSTRUCTION SERVICES, and

17 DAFOE COMPANY and DOES 1-10

18 Defendants.
19 _____/

20 The defendant, BOB MONSEN dba CONSTRUCTION SERVICES hereby answers to
21 individually numbered paragraphs of the plaintiff's Complaint as follows:

22 1. Answering Paragraph (1) of the Complaint, BOB MONSEN dba CONSTRUCTION
23 SERVICES denies that Plaintiff has ever, at any time, been employed on an hourly basis, or at all, by

1 SERVICES, denies that he had any control over the Plaintiff's work condition and/or work situation.

2 3. Answering Paragraphs (9), (10), (11), (12), (13), (14), (17), (19), (25) (28) (34) (35) (40) (41)
3 (42) (43) (48) and each of them, of the Complaint, BOB MONSEN dba CONSTRUCTION SERVICES,
4 denies that Plaintiff has ever, at any time, been employed on an hourly basis, or at all, in any capacity
5 whatsoever, by BOB MONSEN dba CONSTRUCTION SERVICES.

6 4. Answering Paragraph (16) of the Complaint, BOB MONSEN dba CONSTRUCTION
7 SERVICES, denies that he was the agent and/or employee of each, or any, of the remaining defendants,
8 and/or that he ever, at any time, acted within the course and scope of any said such alleged agency
9 and/or employment.

10 5. No response is required to the allegations contained in Paragraphs (2), (3), (13), (14), (18),
11 (20), (21), (22), (23), (24), (26), (29), (30), (31), (32), (33), (36), (37), (38), (39), (41), (42), (43), (44),
12 (45), (46), (47), (49), (50), (51), (52), (53), (54), and (55), because they state legal conclusions.

13 6. BOB MONSEN dba CONSTRUCTION SERVICES is without sufficient knowledge or
14 information to admit or deny the allegations contained in Paragraphs (2), (4), (5) except as to BOB
15 MONSEN dba CONSTRUCTION SERVICES, (6), (8) except as to BOB MONSEN dba
16 CONSTRUCTION SERVICES, (9) except as to BOB MONSEN dba CONSTRUCTION SERVICES,
17 (10), (11) except as to BOB MONSEN dba CONSTRUCTION SERVICES, (12), (15), (16), (19) except
18 as to BOB MONSEN dba CONSTRUCTION SERVICES, (28) except as to BOB MONSEN dba
19 CONSTRUCTION SERVICES, (35) except as to BOB MONSEN dba CONSTRUCTION SERVICES,
20 each and all of which as regards BOB MONSEN dba CONSTRUCTION SERVICES are denied.

21 7. Answering Paragraph (7) of the Complaint, BOB MONSEN dba CONSTRUCTION
22 SERVICES admits that he does business in Pescadero, San Mateo County, California.

23 FIRST DEFENSE

1 9. The Plaintiff has failed to mitigate his damages, if any.

2 THIRD DEFENSE

3 10. All allegations based upon the laws of the State of California must be removed to the
4 appropriate State Court.

5 WHEREFORE, defendant BOB MONSEN dba CONSTRUCTION SERVICES requests that this
6 Court:

7 1. Dismiss the Complaint;

8 2. Award BOB MONSEN dba CONSTRUCTION SERVICES his costs and reasonable
9 attorneys' fees.

10 3. Grant such other relief as the Court deems just and proper.

11 JURY DEMAND

12 BOB MONSEN dba CONSTRUCTION SERVICES demands a trial by jury on all claims triable
13 to a jury.

14 Respectfully submitted,

15 BOB MONSEN dba CONSTRUCTION
16 SERVICES

17 By his attorney,

18 Alan M. Phillips, Esq.
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20 PROOF OF SERVICE BY MAIL

21 1. I am over the age of 18 years and not a party to this cause. I
22 am a resident of or employed in the county where the mailing occurred.
23 My business address is P.O. Box 996, Half Moon Bay, CA 94019.

1 a sealed envelope with postage fully prepaid, as follows:

2 a. Date of Deposit: October 26, 2007

3 b. Place of Deposit: Half Moon Bay, California

4 c. Addressed as follows:

5 James Dal Bon, Esq.

Law Office

6 128 First Street #613

San Jose, CA 95113

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8 I declare under penalty of perjury under the laws of the State of
9 California that the foregoing is true and correct. Executed October
10 26, 2007, at Half Moon Bay, California.

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12 Alan M. Phillips